

### EXAMINER'S AMENDMENT

1. This application is in condition for allowance except for the presence of claims 21-46 directed to inventions non-elected without traverse. Accordingly, claims 21-46 have been cancelled.

2. A restriction requirement between the different inventions recited in the instant claims was mailed on 02/10/2006. In the response filed on 02/27/2006, Applicant elected without traverse the invention of Group I and the species of manganese (claims 5 and 7), complete digestion achieved in less than 6 h (claim 9), substantial portion greater than 50% (claim 14) and 50% of fragments are capable of cleaving mRNA (claim 18). In the same reply Applicant withdrew claims 21-46 directed to the non-elected inventions. In the Office action mailed on 04/04/2006, the Examiner withdrew the claims drawn to non-elected species of nickel, cobalt or cadmium (claim 8), complete digestion achieved in less than 2 h (claim 10), substantial portion greater than 65% (claim 15) and 75% of the fragments are capable of cleaving mRNA (claim 19)

Claims 1, 2, 4-7, 9, 11-14, 16-18, 20, and 47 are allowable. The species election requirement between the different species recited in the claims belonging to Group I, as set forth in the Office action mailed on 02/10/2006, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The species election requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 8, 10, 15, and 19, directed to the non-

elected species are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the species election requirement, Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. Claims 1, 2, 5-10, 12-20, and 47 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ILEANA POPA whose telephone number is (571)272-5546. The examiner can normally be reached on 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Ileana Popa/  
Primary Examiner, Art Unit 1633